

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

<b>IN THE MATTER OF</b>	)	
	)	
	)	<b>WC Docket No. 04-36</b>
<i>IP-Enabled Services</i>	)	
	)	<b>WC Docket No. 05-196</b>
<i>E911 Requirements for IP-Enabled Service Providers</i>	)	
	)	

**INITIAL COMMENTS AND WAIVER REQUEST OF THE PUBLIC SERVICE COMMISSION OF THE STATE OF NEBRASKA <sup>1</sup>**

The Public Service Commission of the State of Nebraska (Nebraska)<sup>2</sup> respectfully submits these initial comments electronically in response to the June 3, 2005 released *First Report and Order and Notice of Proposed Rulemaking (Order and NPRM)*, FCC 05-116, 69 Federal Register (June 29, 2005) seeking input on a variety of issues related to the provision of rules requiring providers of interconnected Voice over Internet Protocol (VoIP) service to supply enhanced 911 (E911) service to their customers.

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**I. BACKGROUND**

In order to properly comment on the proposed rules, background information regarding the status of 911 within Nebraska is necessary. The Nebraska Public Service Commission (NPSC) through its Wireless E911 Department (Department) administers the Wireless E911

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Fund (Fund) consistent with the Enhanced Wireless 911 Services Act, Neb. Rev. Stat. §§ 86-442 et seq. (2004 Cum. Supp.). The Fund consists of revenue from a \$.50 surcharge imposed on each wireless subscriber with a billing address in Nebraska and any federal funds received for wireless emergency communication. Additionally, through LB516 (2005), the NPSC received state statutory authority to apply for or to assist municipalities in applying for any federal or other funds available to communities for implementation of 911 or E911 service. The statutory purpose of the Fund is to provide reimbursement for costs incurred by wireless carriers and public safety answering points (PSAPs) to implement enhanced wireless 911 service. Recently, Douglas County has expressed its intention to proceed with implementation of Phase II. The current status of E911 is shown in Appendix A.

Nebraska has 83 PSAPs across the state and approximately 850,000 wireless subscribers. The monthly surcharge revenue is approximately \$425,000. The current level of the Fund is approximately \$11 million. The NPSC has approved \$3,976,434.92 in non-recurring costs and \$349,705.95 in monthly recurring costs for reimbursements to PSAPs and wireless carriers for Phase I costs. To date, the Department has paid out approximately \$8,400,000. Based upon current estimates, statewide implementation of Phase I will require an additional \$1,822,000 in nonrecurring costs and monthly recurring costs of \$225,000. Statewide implementation of Phase II will cost \$13,564,000 in nonrecurring costs and monthly recurring costs of \$394,000.

Currently, individual municipalities or counties in Nebraska direct the implementation of enhanced wireline 911. Pursuant to the Emergency Telephone Communications Systems Act, Neb. Rev. Stat. §§ 86-420 et seq. (2004 Cum. Supp.), the county or municipal governing body may set a surcharge of up to fifty cents per month on each local exchange access line to cover costs for the installation, maintenance, and operation of 911 service. Counties not containing a city of the Metropolitan Class may set a surcharge of up to \$1.00. General information regarding wireline 911 and the surcharges imposed throughout the state is collected and reported by the NPSC in its Annual Report to the Nebraska Legislature. To date, 7 counties have made no progress toward providing wireline E911 service.

During the 2005 legislative session, the Nebraska Legislature passed legislative resolution LR 143 in order to examine the status of wireline and wireless E911 across Nebraska. Furthermore, it seeks to investigate whether consolidation of PSAPs would reduce costs and increase efficiency. Hearings on LR 143 will take place during the fall 2005.

Parallels between an IP enabled service routing 911 calls and the routing of 911 calls by wireless carriers may indicate that it is practicable for IP enabled service providers to use a wireless 911 pANI model in responding to the FCC's directive in the present docket. Like wireless subscribers, VoIP customers may not always be connected to the PSTN.

### **III. SPECIFIC COMMENTS**

The NPSC submits the following comments with respect to the role states should play in the implementation of E911 rules and issues related to costs.

The provision of emergency services has historically been provided by local governments. Individuals experiencing problems turn to their local or state authorities when they experience problems with 911 service. Therefore, states should continue to play a significant role in the implementation of E911, both wireline and wireless. States have taken unique approaches to the implementation of E911 based in part upon their individual demographics, topography, and available funding. As a result of the varying approaches taken, states are in the best position to ensure that VoIP providers' service is consistent with already existing networks and procedures. House of Representatives Bill #2418/Senate Bill #1063 clause 2(h) states, "The Commission may, in the regulations prescribed under this section, provide for the delegation to State commissions of authority to implement and enforce the requirements of this Section and the regulations thereunder." Each state has implemented emergency telephone communications systems under rules and regulations that best fit their existing telecommunications infrastructure. Because of the requirement for IP enabled voice services to integrate into that existing structure, the FCC should provide, at a minimum, the delegated authority to state regulators to carryout the directive.

VoIP service providers have the same social and economic obligation for 911 access as other voice service providers. Although the FCC has indicated in ¶53 of the NPRM "... that

the rules we adopt today will neither contribute to the diminishment of 911 funding nor require a substantial increase in 911 spending by state and local jurisdictions” there will be some incremental cost to enable 911 access by VoIP service providers and VoIP service will be a substitute for “traditional” wireline and wireless voice services. It is imperative that VoIP providers implement a cost recovery mechanism similar to those used by the wireline and wireless industry.

As is evident herein, the Department and local governments have already expended significant public resources in the implementation of E911. Any use of the existing wireless or wireline network for the provision of E911 by VoIP service providers should be accompanied by proper allocation of costs to avoid any improper subsidization of existing 911 by wireless or other 911 funds. According to the results of a survey by the VON Coalition, 75% of the companies participating in a voluntary agreement to develop methods for providing access to 911 for users of VoIP are currently collecting and remitting state/local 911 fees for retail VoIP services, either directly or through an intermediate telecommunications provider.

VoIP customers have similar expectations regarding 911 service as those customers using traditional telephone services. Therefore, VoIP service providers should be required to provide the same level of privacy that is currently required for the wireline and wireless industry today. Furthermore, no distinction should be made concerning access to 911 via TTY’s for persons with disabilities when they use VoIP 911 services.

The NPSC offers the following in response to the FCC’s request for comment regarding the technical aspects of the provision of enhanced 911 service by VoIP providers.

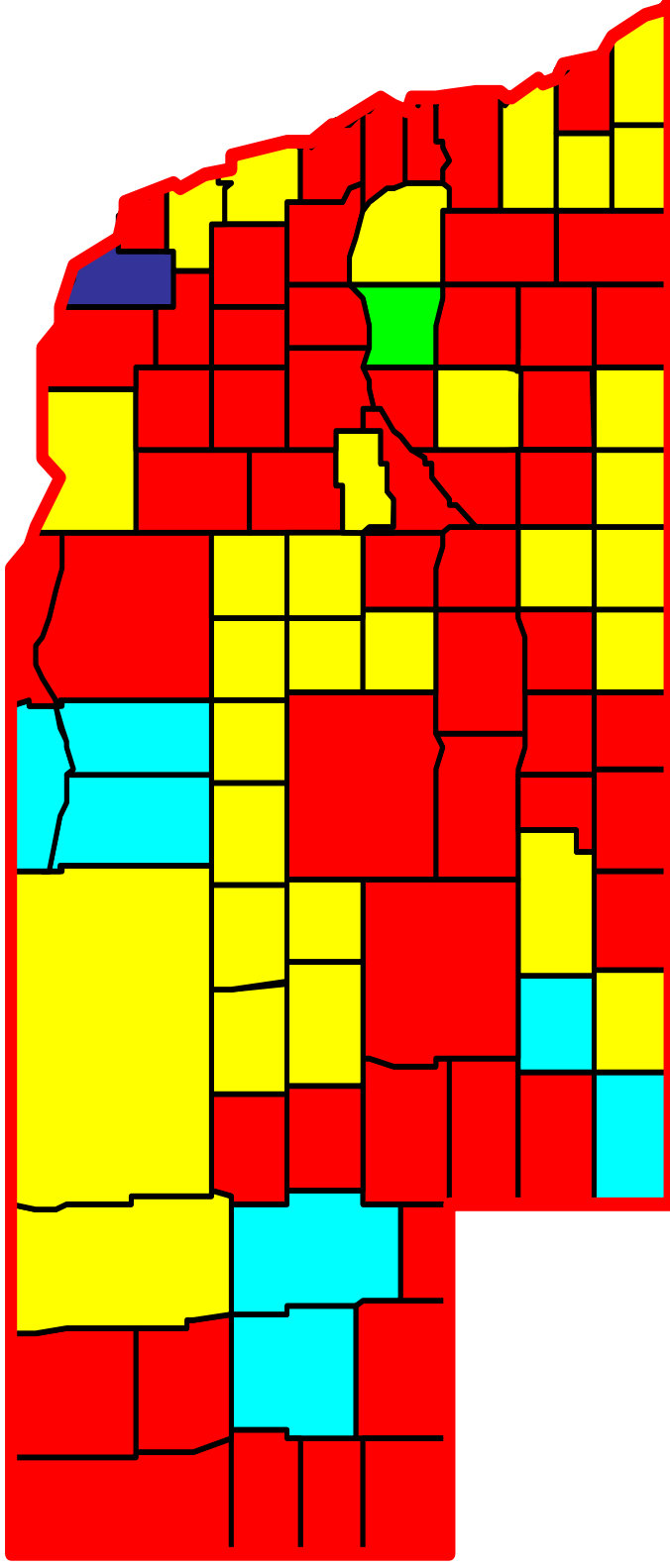
Just as other modes of communications (wireline and wireless) determine a user’s active location and update the necessary data bases for emergency services response, it is important that IP enabled service providers develop and implement technology that will provide a functionally equivalent capability.

With respect to the requirement that VoIP service providers should only be required to provide 911 service in areas where selective routers are used, approximately 88% of Nebraska citizens have their 911 traffic sent to the PSAP by selective routers. Of the remaining 12%, with the exception of one county, the 911 traffic is sent to the PSAP by dedicated trunks. Nebraska would recommend that VoIP carriers send 911 traffic to PSAPs that have either selective routers or dedicated trunks.

### **III. CONCLUSION**

The FCC and state commissions share a common goal of protecting and promoting public safety. Nebraska is hopeful that the FCC will continue to carve out an appropriate role for state participation. The NPSC encourages the FCC to take steps to ensure that customers utilizing VoIP services have access to the same level of emergency services as those choosing to use more traditional voice services.

# Status of E911



Red: E911 and Phase I Implemented (53 Counties)  
Fuchsia: Requested Phase I  
Green: E911 (1 County)  
Navy Blue: E911 Implemented, No Cell tower coverage (1 County)  
Yellow: Implementing E911 (30 Counties)  
Blue: Basic 911 (7 Counties)